

Gabriel Bach and the Prosecution of Nazis in the State of Israel

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Gabriel Bach, born in Germany, 1927, served in key positions at several critical junctures with respect to prosecuting Nazi criminals in Israel. In fact, it emerged that Bach played a significant role in each of the criminal contexts in which the Holocaust and its perpetrators were prosecuted in the Israeli court. Thus, he served as the attorney conducting **the Gruenwald-Kastner appeal** in the Supreme Court (1957), which centered on a question of Jewish collaboration with the Nazis; he was responsible for the preparation and conduct of the prosecution's case in **the Eichmann trial** (1960-1962); in his role as justice minister, he was involved in efforts to prosecute **Gustav Franz Wagner**, the deputy commander of the Sobibor extermination camp (1978-1979); and he was on the panel of judges that rejected the petition submitted to the Supreme Court against the attorney general following the latter's decision not to put **Ivan Demjanjuk** on trial again, following his acquittal (1993).

This research seeks to examine the important contribution made by Bach in bringing Nazis to trial in the State of Israel. The main importance of the research lies in the analysis of Bach's role as a "repeat player" in all these legal proceedings. Various theories from the field of law and economics discuss the relative advantages of a repeat player – such as a large employer, a particular administrative authority, banks, and the like – in legal proceedings. The repeat player is familiar with the process's "rules of the game" and as such, is experienced in handling them, as compared to private sides who meet the legal arena for the first time. Against a background of these theories, the research discusses the role of Bach – as a prosecutor and as a judge – in managing legal proceedings that center on the Holocaust and its perpetrators. In this context, interesting and important questions arise such as, are there patterns of thinking or basic assumptions that are common to these cases? Is it possible to attribute to Bach a special "expertise" on the basis of the experience he accrued in earlier cases and in view of his biography as one who escaped from Germany during the war years? What is the difference – if such a difference exists – between his ability to express his worldview as a person, a Jew, an immigrant, and as a jurist in his role as prosecutor, state attorney, and judge in the different cases?

The research reviews Bach's main contributions to these legal affairs, while aiming to propose an historical and legal explanation of his actions and attitudes towards bringing Nazi criminals to trial. Through this discussion, the research will also present a credible picture of the evolution of Israel's legal efforts vis à vis Nazi criminals and their collaborators over the years.